IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER

TWO THOUSAND AND FOUR

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22917 OF 1998

BETWEEN:

Mahithi S Deshpande, D/o. S Deshpande,

R/o Hyderabad.

...PETITIONER

AND

1. The Government of Andhra Pradesh rep. By its
   Secretary, Education Department, at
   Secretariat, Hyderabad.
2. Jawaharlal Nehru Technological University,
   Mahaveer Marg, Masab Tank, Hyderabad, rep.
   By its Director of Evaluation.
3. Sri Venkateswara College of Architecture,
   Madhapur, Jubilee Hills Extension, Hyderabad.

...RESPONDENTS

Petition under Article 226 of Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, order or direction, declaring Clause 2(ii) of G.O.Ms.No.256, dated 17.11.1993 issued by the first respondent and the proceedings dated 02.7.1998 issued in Lr.No.JNTU/DE/Affl.Coll/NRI/97-98 on the file of the 2nd Respondent, as illegal, arbitrary, discriminatory and violative of Art.14 of the Constitution of India besides being contrary to the orders of Hon'ble Supreme Court of India and consequently hold that the petitioner is entitled to prosecute her B.Arch. Course in the third respondent college; Award costs.

Counsel for the Petitioner : MR. N.SREEDHAR REDDY

Counsel for the Respondent No.1: The Government Pleader for Higher Education

Counsel for the Respondent No.2:MR.C.KODANDARAM, S.C. for J.N.T.U.,

Counsel for the Respondent No.3:None appeared.

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22917 OF 1998

ORDER:

The Writ Petition is filed challenging clause 2(ii) of G.O.Ms.No.256, dt.17.11.1993, and seeking declaration that the same is illegal and arbitrary and violative of Article 14 of the Constitution of India.

The issue raised herein is squarely covered by judgment of this Court in W.P.No.17872 of 2001 and batch, dt.18.4.2003. This Court in the said judgment declared that the action of the respondents in insisting upon requirement of 60% in Intermediate examination for admission into B.E./B.Tech., Engineering Course under N.R.I/in lieu of N.R.I. quota is illegal and *ultra vires* G.O.Rt.No.640 dt.6.9.2001. Following the same, this Writ Petition is allowed. No costs.

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(V.V.S.RAO, J)

8.11.2004

pln/bnr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Mr. Devinder Gupta, the Chief Justice on this Monday, the Eighth day of November Two thousand and four.

REGISTRAR

//TRUE COPY//

To,

1. The Secretary, Education Department,
   Government of Andhra Pradesh,
   Secretariat, Hyderabad.
2. The Director of Evaluation,
   Jawaharlal Nehru Technological University,
   Mahaveer Marg, Masab Tank, Hyderabad.
3. Sri Venkateswara College of Architecture, Madhapur,
   Jubilee Hills Extension, Hyderabad.
4. Two CCs to the Government Pleader for
   Higher Education, High Court Buildings,
   Hyderabad (OUT).
5. Two CD copies.